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09/197,908	11/23/1998	ANTHONY F. HERBST	NEWMRKTP98-1	1823

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EXAMINER
AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
3624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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GROUP 3600

BEFORE THE BOARD OF PATENT APPEALS

AND INTERFERENCES

Paper No. 19

Application Number: 09/197908

Filing Date: November 23,1998

Appellant(s): Anthony Herbst and Wayne F. Perg

Peter K. Trzyna

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/4/03.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be

directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the

brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not

agreed with because the claims are so similar that a very small number of features distinguish

them. The functions and characteriastics of the elements recur throughout all the claims.

(8) *Claims Appealed*

The copy of the claims appealed contained in the Appendix to the brief is correct.

(9)   *Prior Art of Record*

The following is a listing of the prior art of record(US Patents) relied upon in the rejection

of the most recently amended claims under appeal.

5,915,209	Lawrence et. al.	6/22/99
6,029,146	Hawkins et. al.	2/22/00
5,809,043	Broka et. al.	9/15/98

(10)   *Grounds of Rejection*

The following grounds of rejection are applicable tyo the appealed claims:

1. Claims 1-20 are rejected under 35 USC 103(a) as unpatentable over Hawkins

(US Pat. No: 6,029,146) in view of Lawrence(US Pat. No: 5,915,209) and further in view

of Broka(US Pat. No: 5,809,483).

2. As per claims 1, 16-20 Hawkins teaches a method for using a digital electronic computer to

process signals in generating output and providing a digital computer apparatus including a

computer having a processor electrically connected to a memory device for storing and retrieving

machine readable signals to an input device for receiving input data and converting the input data

and to an output device for converting output data from the processor into output having a visual

presentation whereby the steps including entering financial characteristics sufficient for computing

a price of preferred return investments(col 3 line 26-38). Lawrence teaches bond trading as

preferred return investments (col 4 lines 62-col 5 line 48)(Fig 1)as well as the solicitation of

bids and prices(col 5 lines 16-18). Hawkins teaches the trading of volumes of securities

(col 8 lines 14-31)(Fig 4) and an associated supply schedule.Hawkins further teaches utilizing

two remote digital electronic computers for effecting a preferred return instrument trade(Fig 3).

Broka teaches a debt securities pricing system(Fig 10)(Fig 11) as well as specified issues(Fig 7/730)

including a preferred-return securities auction(Fig 20(a))(Fig 20(b)) including offering sizes

and handling amounts that buyers and sellers want to transact(Fig 21(a))(Fig 21(b)) as well

as current preferred returns viewing(col 16 lines 5-48)(col 15 lines 4-11).Broka teaches a

realtime trasding system(col 5 lines 20-45). It would have been obvious to one skilled in

the art at the time of the invention to combine Hawkins in view of Lawrence to teach the

above. The motivation to combine is to teach a system that can automatically disseminate

accurate current informatiion on large volumes of bond trades as enunciated by

Lawrence(col 3 lines 25-29) and disseminate this information to the trading crowd.

Furthermore it also would have been obvious to combine Hawkins in view of Lawrence

and further in view of Broka to teach the above. The motivation to combine is to teach

an organized computerized trading system for compliance with SEC regulations as

enunciated by Broka(col 1 lines 42-52).

3.   Claims 2-15 are rejected because by their dependence they include the language of a

rejected base claim.

(11)   ***Response to Arguments***

Applicant's arguments filed 3/4/03 have been fully considered but they are not persuasive.

Applicant's objections include, 1) Computing a demand schedule for each of the instruments;

2) Computing schedule for each of the instruments; 3) Computing the schedules to produce a

current preferred return for each of the corresponding instruments.These elements are

addressed in the cited references where Broka(col 5 lines 20-57)(col 14 lines 60-65)

(col 13 line 45-col 14 line 5) teaches these.Further, Broka teaches demand schedules

(bid/ask pricing)(Fig 10/11/17A/17B)(col 4 lines 52-58) and schedules/terms

(col 5 lines 33-63) and comparing schedules/modifying quotes(col 5 lines 46-53)

as well as entering, computing and comparing steps(Fig 7)(Fig 10). Lawrence teaches

a preferred return(Fig 2/58) and a demand schedule and a preferred return

(Fig 3/116/110/114) and a schedule(maturity)(Fig 6) as well as a preferred return /demand

schedule(bid/ask/reoffer/calculate)(Fig 7)(Fig 8). Broka also teaches an order quantity and

a face value(Fig 12/1220) and a time period(Fig 12/1250/1260) including an execution time

(Fig 12/1250) as well as bid/ask sizes(Fig 18(a))(Fig 18(b)). Lawrence further teaches

generating a return on the preferred investments(Fig 9) as well as a face value(Fig 9).In addition,

Hawkins teaches a bid/ask, a price limit,a stop price and a capacity(demand and preferred return)

(Fig 10/402/426/399) as well as a demand(Fig 13/673) and schedule for each of the instruments

(type and deal amount)(Fig 12/616/672). Finally, Hawkins teaches a dealing capacity(ability to

reprice and produce preferred returns)(Fig 11/399) and utilization of the SWIFT Financial

Network and engages real time trading(col 3 lines 26-col 4 line 63).

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For the reasons cited above, it is believed that the rejections should be maintained.

Respectfuilly submitted,

July 22, 2003   (Dr.) Geoffrey R. Akers

Conferee No 1: (V. MILLIN)
Conferee No. 2: (R WEISBERGER)
Conferee No. 3: (G. AKERS)

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